

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Engineering & Construction Innovations,
Inc.,

Case No. 20-cv-0808 (WMW/TNL)

Plaintiff,

ORDER

v.

Bradshaw Construction Corporation and
Travelers Casualty & Surety Company of
America,

Defendants.

This matter is before the Court on Defendants Bradshaw Construction Corporation and Travelers Casualty & Surety Company of America's September 12, 2022 letter. (Dkt. 287.) Defendants seek leave to file a motion to reconsider the Court's August 22, 2022 Order granting in part and denying in part Defendants' motion to strike jury demand. Plaintiff Engineering & Construction Innovations, Inc. (ECI), opposes Defendants' request.

Local Rule 7.1(j) prohibits filing a motion to reconsider without leave of court. A party may receive permission to file a motion to reconsider only by showing "compelling circumstances." LR 7.1(j). "Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence." *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988) (internal quotation marks omitted). A motion to reconsider cannot be employed to repeat arguments

previously made, introduce evidence or arguments that could have been made earlier or tender new legal theories for the first time. *See id.*

Defendants do not purport to present newly discovered evidence and instead suggest that the Court's August 22, 2022 Order contains legal errors that create "compelling circumstances" within the meaning of Local Rule 7.1(j). But Defendants merely repeat arguments previously made or advance arguments this Court previously rejected. Because such arguments do not align with the "limited function" of a motion to reconsider, *Hagerman*, 839 F.2d at 414, Defendants have not demonstrated the "compelling circumstances" necessary to seek reconsideration under Local Rule 7.1(j).

For these reasons, the Court denies Defendants' request for leave to file a motion to reconsider.

ORDER

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendants Bradshaw Construction Corporation and Travelers Casualty & Surety Company of America's request to file a motion to reconsider, (Dkt. 287), is **DENIED**.

Dated: October 6, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge